

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

JOE HOLCOMBE, Individually and as	§	No. 5:18–CV–555–DAE (lead case)
the Representative of the Estate of John	§	
Bryan Holcombe, ET AL.,	§	
	§	
Plaintiffs,	§	
	§	
vs.	§	
	§	
UNITED STATES OF AMERICA,	§	
	§	
Defendant.	§	
<hr/>	§	
MARGARETTE VIDAL, ET AL.,	§	No. 5:18–CV–712–DAE
	§	
Plaintiffs,	§	
	§	
vs.	§	
	§	
UNITED STATES OF AMERICA,	§	
	§	
Defendant.	§	
<hr/>	§	

ORDER GRANTING THE PARTIES' JOINT  
MOTIONS TO CONSOLIDATE CASES

Before the Court are two motions: (1) a Joint Motion to Consolidate Cases filed in Holcombe et al. v. United States of America, 5:18-CV-555-DAE, by Joe Holcombe, individually and as the representative of the Estate of John Bryan Holcombe (“Holcombe”), et al. and the United States of America on August 6, 2018 (Civil Action No. 5:18-CV-555, Dkt. # 5); and (2) a Joint Motion to

Consolidate Cases filed in Vidal et al. v. United States of America, 5:18-CV-712-DAE, by Margarette Vidal (“Vidal”) et al. and the United States of America on August 6, 2018 (Civil Action No. 5:18-CV-712-DAE, Dkt. # 7). In their motions, the Parties—*i.e.*, Holcombe et al., Vidal et al., and the United States of America (collectively, the “Parties”)—request that the Court consolidate Civil Action No. 5:18-CV-712-DAE with Civil Action No. 5:18-CV-555-DAE.

Pursuant to Local Rule CV-7(h), the Court finds these matters suitable for disposition without a hearing. After careful consideration of the memoranda filed in support of the motions, the Court—for the reasons that follow—**GRANTS** the Parties’ Motions to Consolidate. (Civil Action No. 5:18-CV-555, Dkt. # 5; Civil Action No. 5:18-CV-712-DAE, Dkt. # 7.)

Federal Rule of Civil Procedure 42(a) provides that if actions “involve a common question of law or fact,” the court may “consolidate the actions” or “issue any other order to avoid unnecessary cost or delay.” Fed. R. Civ. P. 42(a). The decision to consolidate actions under Rule 42(a) is “entirely within the discretion of the district court as it seeks to promote the administration of justice.” Gentry v. Smith, 487 F.2d 571, 581 (5th Cir. 1973).

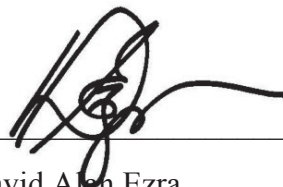
The Court has reviewed the pleadings in each case and finds that the cases involve common questions of law and fact as: (1) both cases arise from the mass shooting perpetrated by Devin P. Kelley at the First Baptist Church of

Sutherland Springs on November 5, 2017; and (2) both complaints are currently based on a theory of negligence and are brought pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 2671–2680. The Court therefore **GRANTS** the Parties’ Motions to Consolidate. (Civil Action No. 5:18-CV-555, Dkt. # 5; Civil Action No. 5:18-CV-712-DAE, Dkt. # 7.) In lieu of consolidating the cases for pre-trial proceedings as requested by the Parties, the Court consolidates the cases for all purposes to avoid unnecessary cost or delay and promote the administration of justice.

Accordingly, the Court **ORDERS** that Vidal, et al. v. United States of America, 5:18-CV-712-DAE, be consolidated with Holcombe et al. v. USA, 5:18-CV-555-DAE, for all purposes. As the first-filed case, the Court designates Civil Action No. 5:18-CV-555-DAE as the lead case. The Court **DIRECTS** the parties to make any subsequent filings in the lead case, 5:18-CV-555-DAE.

**IT IS SO ORDERED.**

**DATED:** San Antonio, Texas, August 27, 2018.

A handwritten signature in black ink, appearing to read 'David Alan Ezra', is written over a horizontal line.

David Alan Ezra  
Senior United States District Judge